IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.54460 of 2007
RAM BRIKSH SAH
Versus
THE STATE OF BIHAR
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3 13.5.2008 Heard.

This case has been instituted under Sections 302, 376 & 406 of the IPC, but the charge sheet was submitted only under Section 304 of the IPC.

Learned counsel for the petitioner submitted that the prosecution case as mentioned in the FIR is improbable, unnatural and cannot be believed. It is impossible that the son of the informant would remain ill lying on a bed, and the accused would commit rape on the informant. In fact as has come in the case diary the accused doctor was not a qualified doctor, he tried to treat the son of the informant, who ultimately died and accused was afraid on the account of death of the son of the informant, so he was seen fleeing away from the house by the witnesses. Learned counsel submitted that the case is actually under Section 304A of the IPC as per the ingredients.

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Under the circumstances, petitioner Ram Briksh Sah is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of District & Sessions Judge, Samastipur in connection with Ujiarpur P.S. Case No. 172 of 2007.

DKS/ (Rekha Kumari,J)